

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 00916.P1PCT	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2004/019970	International filing date ( <i>day/month/year</i> ) 21 June 2004 (21.06.2004)	Priority date ( <i>day/month/year</i> ) 20 June 2003 (20.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant INPRACTIS CORPORATION INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 03 January 2006 (03.01.2006)
	Authorized officer  Ellen Moyse  Telephone No. +41 22 338 89 75

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 01 NOV 2004

WIPO

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**PCT**

To:  
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## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **29 OCT 2004**

Applicant's or agent's file reference

**FOR FURTHER ACTION**

See paragraph 2 below

00916.P1PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/19970

21 June 2004 (21.06.2004)

20 June 2003 (20.06.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06K 9/00; A63B 53/06, 53/16, 69/36 and US Cl.: 382/100; 473/266

Applicant

INPRACTIS CORPORATION INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)

Claims 3, 7, 10, 14, and 19 YES

Claims 1-2, 4-6, 8-9, 11-13, 15-18, and 20 NO

Inventive step (IS)

Claims NONE YES

Claims 1-20 NO

Industrial applicability (IA)

Claims 1-20 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claims 1, 10, and 12 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof:

In claim 1, line 8, "a image" should be changed to "an image".

In claim 10, line 1, "claim 8" should be changed to "claim 9" because "said graphical user interface" is recited in claim 9.

In claim 12, line 7, "a" should be changed to "an".

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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1-2, 4-6, 8-9, 11-13, 15-18, and 20 lack novelty under PCT Article 33(2) as being anticipated by Lubell et al (U.S. Patent No. 6,068,559).

Referring to claim 1, which is representative of claim 12,

- i. A kiosk portion including a display head with a video display and touch panel interface is illustrated by Lubell et al in figure 1 by the TV 52 and in figure 2 by the touch screen display 36 located in the kiosk 60.
- ii. A first video camera connected to the kiosk portion is illustrated by Lubell et al in figure 1 by the downrange video camera 12.
- iii. A second video camera connected to the kiosk portion is illustrated by Lubell et al in figure 1 by the head-on video camera 14.
- iv. Means for processing signals from the first and second video camera and displaying an image on the display is illustrated by the input section computer 24, which displays an image on the TV 52.

Referring to claim 2, which is representative of claim 13, a payment receptacle to process payment is illustrated by Lubell et al in figure 1 by the credit card reader/processor 38.

Referring to claim 4, which is representative of claim 15, an array microphone to detect the hit of a target ball is illustrated by Lubell et al in figure 1 by the microphone/trigger 20. Lubell et al explain that the microphone is used to detect the hit of a target ball in column 6, lines 7-10.

Referring to claim 5, providing advertisements on the video display is explained by Lubell et al in column 9, lines 28-31, wherein the promotional video is an advertisement.

Referring to claim 6, which is representative of claim 16, means for correcting distortion from lenses is explained by Lubell et al in column 8, lines 15-22 and 53-57, wherein the video is cropped, sized, and positioned as well as corrected for brightness, contrast, and tint.

Referring to claim 8, which is representative of claim 17, a port for insertion of a portable memory device is explained by Lubell et al in column 6, lines 22-27.

Referring to claim 9, which is representative of claim 18, a graphical user interface is explained by Lubell et al in column 6, lines 27-29. The Windows operating system is a graphical user interface.

Referring to claim 11, which is representative of claim 20, network connectivity is explained by Lubell et al in column 7, lines 12-15.

Claims 3, 7, and 14 lack an inventive step under PCT Article 33(3) as being obvious over Lubell et al in view of Sabin (U.S. Patent No. 5,210,603).

Referring to claim 3, which is representative of claim 14, a finned extrusion for removing heat from heat-generating components in the kiosk is not explicitly explained by Lubell et al. However, Sabin illustrates finned extrusions for removing heat from a kiosk in figure 1 by the louvers 20, which allow air circulation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a finned extrusion for removing heat from a kiosk to the system of Lubell et al, as suggested by Sabin, because heat damage to the kiosk would be minimized and the stability of the kiosk would be improved.

Referring to claim 7, forced-air cooling of the display head is not explicitly explained by Lubell et al. However, Sabin

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**Supplemental Box**

**In case the space in any of the preceding boxes is not sufficient.**

illustrates a fan 32a to cool a kiosk, including a display head 40 in figure 1 and explain the cooling in column 6, lines 41-43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a forced-air cooling device for removing heat from a kiosk to the system of Lubell et al, as suggested by Sabin, because heat damage to the kiosk would be minimized and the stability of the kiosk would be improved.

Claims 10 and 19 lack an inventive step under PCT Article 33(3) as being obvious over Lubell et al in view of McNitt et al (U.S. Patent App. Pub. No. 2002/0115047 A1).

Referring to claim 10, which is representative of claim 19, geometric sensing techniques is not explicitly explained by Lubell et al. However, McNitt et al illustrate geometric sensing on figure 8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the graphical user interface of Lubell et al to include geometric sensing techniques, as suggested by McNitt et al, because text boxes to display information about the user can be displayed more accurately.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.